



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Schell Field Office
HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408

http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
7220 (NVL02000)

DECISION

Cave Valley and Lake Valley
Watershed Restoration Plan

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Decision Record

DOI-BLM-NV-L020-2011-0021-EA

I have reviewed the Environmental Assessment, DOI-BLM-L020-2011-0021-EA, and have made a Finding of No Significant Impact (FONSI) for the Cave Valley and Lake Valley Watershed Restoration Plan. Based on that review and the record as a whole, I approve the proposed action with the exception of Section 2.3.3 Management of Prior Rangeland Seeding Projects, Section 2.3.6 Range Improvements, and Section 2.4.2 Range Improvements.

RATIONALE:

- 1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August of 2008. Section 1.4 Relationship to Planning in the Environmental Assessment documents the conformance review.
- 2) The Proposed Action is consistent with all other federal, state, local, and tribal policies and plans to the maximum extent possible.
- 3) The Proposed Action will respond to the high departure from natural conditions in the area due to a combination of drought, fire suppression efforts and historic livestock grazing practices. Reintroduction of disturbance into the ecosystem will move the area from an overall Fire Regime Condition Class (FRCC) 2 rating (moderate departure) toward an FRCC 1 (low departure).
- 4) The Proposed Action will reduce the potential for negative effects of large scale wildfires in the area, including threats to life and property. It will also set the stage for natural disturbance to be an integral part of the ecosystem in the Cave Valley and Lake Valley Watersheds.
- 5) Habitat for many wildlife species, including big game, sage grouse, and migratory birds, will be increased in the long term helping to support viable populations in the area well into the future as a result of the Proposed Action.

PUBLIC INVOLVEMENT:

Public scoping was conducted between April 1, 2011 and April 20, 2011. A second public scoping period was held to share additional details about the proposed action from June 2, 2011 to June 23, 2011. Two public scoping meetings were held, one in Ely, NV on June 16, 2011 and one in Caliente, NV on June 21, 2011. Comments were received from ten parties. A site visit was conducted for all interested parties at the request of one of the commenters on August 25, 2011.

The Preliminary Environmental Assessment was made available to the public on February 17, 2012 and comments were accepted through March 23, 2012. Two public meetings were held during the comment period, one in Caliente, NV on March 6, 2012 and one in Ely, NV on March 7. In addition, a field tour of the project area was held on April 9, 2012 for all interested parties as a result of comments received during the comment period. Comments were received from nine parties and are addressed in Appendix E of the EA. Due to public comments received regarding proposed treatments in wilderness, four of the seven units in wilderness were dropped from the proposed action.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the below address within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Ely District Office
HC 33 Box 33500
Ely, NV 89301

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to the United States Department of the Interior Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203


This Decision will become effective on the day after the expiration of the time during which a person adversely affected may file a notice of appeal (30 days after notice of decision) unless a petition for a stay pending appeal is filed together with a timely notice of appeal (43 CFR 4.21). A petition for stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Approved by:



Mary D'Aversa
Field Manager
Schell Field Office



Date